

NOTE CHANGES MADE BY THE COURT.

ANDRÉ BIROTTE JR.
 United States Attorney
 CHRISTINE C. EWELL
 Assistant United States Attorney
 Chief, Criminal Division
 DOROTHY C. KIM (SBN 206333)
 Assistant United States Attorney
 Major Frauds Section
 1100 United States Courthouse
 312 North Spring Street
 Los Angeles, California 90012
 Telephone: (213) 894-3779
 Facsimile: (213) 894-6269
 E-mail: dorothy.kim@usdoj.gov

Attorney for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 10-299-MMM
)	
Plaintiff,)	PROPOSED ORDER RE:
)	<u>CONTINUANCE OF TRIAL AND</u>
v.)	<u>EXCLUDABLE TIME UNDER THE</u>
)	<u>SPEEDY TRIAL ACT</u>
SAAK AVAKYANTS,)	
VAHE MANUKYAN,)	
HOVSEP HOVSEPYAN,)	Old Trial Date: May 25, 2010
HAYRAPET AVETISYAN, and)	New Trial Date: Sept. 7, 2010
SERGEY MKRTYCHYAN,)	Time: 8:30 a.m.
)	
Defendants.)	
)	

Having heard from plaintiff, United States of America, by and through its attorney of record, Assistant United States Attorney Dorothy C. Kim, and defendants Saak Avakyants, Vahe Manukyan, Hovsep Hovsepyan, Hayrapet Avetisyan, and Sergey Mkrtychyan, by and through their counsel of record, Deputy Federal Public Defender Carlton F. Gunn, Alex R. Kessel, Akop Baltayan, Mark S. Windsor, and Richard P. Lasting, respectively,

1 and good cause appearing, the Court hereby FINDS AS FOLLOWS:

2 1. Defendants Avakyan, Manukyan, and Avetisyan first
3 appeared before a judicial officer of the court in which the
4 charges in this case were pending on March 12, 2010. Defendant
5 Hovsepyan first appeared before a judicial officer in the court
6 in which these charges were pending on March 16, 2010. The
7 Indictment in this case was filed against all defendants on March
8 25, 2010. On March 29, 2010, defendant Mkrtchyan first appeared
9 before a judicial officer in the court in which the charges were
10 pending. The Speedy Trial Act, 18 U.S.C. § 3161, originally
11 required that the trial commence: (a) on or before June 3, 2010,
12 for defendants Avakyan, Manukyan, Hovsepyan, and Avetisyan; and
13 (b) on or before June 7, 2010, for defendant Mkrtchyan. Trial
14 was originally scheduled to commence on May 25, 2010, at 8:30
15 a.m.

16 2. Defendant Hovsepyan is detained pending trial.
17 Defendant Avakyan has been unable to satisfy bond and remains
18 detained. The remaining defendants have been released on bond.
19 The parties estimate that the trial in this matter will last
20 approximately six days.

21 3. This Court held trial setting conferences in this
22 matter for various defendants on March 29, 2010, April 5, 2010,
23 and April 12, 2010. At those conferences, the Court set the
24 trial date for May 25, 2010. During these conferences, various
25 defendants, through counsel, indicated that they would be seeking
26 a continuance of the trial date. This is the first request for a
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1 continuance.

2 4. Counsel for defendants need additional time to confer
3 with defendants, conduct and complete an independent
4 investigation of the case, conduct and complete additional legal
5 research including for potential pre-trial motions, review the
6 discovery and potential evidence in the case, and prepare for
7 trial in the event that a pretrial resolution does not occur. A
8 failure to grant the requested continuance would deny counsel
9 reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 5. Defendants believe that failure to grant the above-
12 requested continuance would deny them continuity of counsel and
13 adequate representation.

14 6. The government does not object to the continuance.

15 7. The requested continuance is not based on lack of
16 diligent preparation on the part of the attorneys for the
17 government or the defense, or failure on the part of the attorney
18 for the government to obtain available witnesses.

19 8. Each defense counsel has represented that he has
20 discussed the requested continuance with his client and has
21 explained the rights conferred on defendants by the Speedy Trial
22 Act. Each of the defendants has told his respective counsel that
23 he understands his rights and agrees to waive them. Defendants
24 further agree that a continuance is necessary for their effective
25 presentation in this case.

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1 THEREFORE, FOR GOOD CAUSE SHOWN:

2 1. The trial in this matter is continued from May 24,
3 2010, to September 7, 2010, at 8:30 a.m. The status conference
4 and motions hearing date is continued from May 10, 2010, to
5 August ~~10~~²³, 2010, at 1:15 p.m. The Court further sets the
6 following briefing schedule:

7 a. Pretrial motions shall be filed on or before July
8 19, 2010;

9 b. Opposition shall be filed on or before August 2,
10 2010; and

11 c. Replies, if any, shall be filed on or before
12 August 9, 2010.

13 d. The discovery cut-off date shall be August 2,
14 2010.

15 2. The time period of the signing of this Order, to
16 September 7, 2010, inclusive, is excluded in computing the time
17 within which the trial must commence, pursuant to 18 U.S.C.
18 §§ 3161(h)(8)(A) and (B)(iv).

19 3. Nothing in this Order shall preclude a finding that
20 other provisions of the Speedy Trial Act dictate that additional
21 time periods are excluded from the period within which trial must
22 commence. Moreover, the same provisions and/or other provisions
23 of the Speedy Trial Act may in the future authorize the exclusion

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1 of additional time periods from the period within which trial
2 must commence.

3 IT IS SO ORDERED.

4
5 5.25.10
6 DATE

Margaret M. Morrow
7 THE HONORABLE MARGARET M. MORROW
8 UNITED STATES DISTRICT JUDGE
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10 Presented by:

11 /s/
12 DOROTHY C. KIM
13 Assistant United States Attorney
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